



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,601	01/20/2000	Evgeniy M. Getsin	IACTP016	6034
22242	7590	04/27/2006	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			KOENIG, ANDREW Y	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/489,601	GETSIN ET AL.	
	Examiner	Art Unit	
	Andrew Y. Koenig	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 February 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>See Cont. page.</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

Continuation of Attachment(s) 3) IDS: 11/9/05, 11/16/05, 11/30/05, 2/2/06

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-10, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,825,876 to Peterson, Jr. (Peterson) in view of U.S. Patent Application Publication 2002/0026321 to Faris et al. (Faris) and U.S. Patent 5,808,662 to Kinney et al. (Kinney).

Regarding **claims 1 and 6**, Peterson discloses a method, corresponding computer program and corresponding system for identifying a plurality of events which are played back on a plurality of networked client apparatuses (col. 2, lines 26-41), comprising

(a) providing a plurality of events stored in memory (medium 10) on a plurality of client apparatuses (controller 14; see col. 2, lines 46-54 disclosing system methodology including multiple consumers,

comprising multiple events and client apparatuses), an authorization granted message that includes a unique identifier (24) of the secured content which is stored, along with the start time (col. 8, II. 32-39) the events each having a unique identifier associated therewith and stored in memory (identifier 24; see col. 5, lines 30-35), wherein the client apparatuses are adapted to be coupled to a host computer (authorization center 16) via a network (PTSN 18; see col. 8, lines 13-16);

(b) ascertaining the identifier of the event stored in memory of the client apparatuses utilizing the network (col. 8, lines 18-27, col. 8, II. 32-39, disclosing transmission of identifier 24 to server 60 and return of authorization granted message comprising identifier 24 of secured content 28); further, Peterson teaches ascertaining whether the client apparatuses have the event stored in memory in that Peterson teaches ascertaining the identifier of the event stored in memory, wherein Peterson teaches an event such as content on a DVD or CD-ROM (col. 5, II. 18-35), therefore, the existence of an event identifier of Peterson teaches ascertaining whether the client apparatuses have the event stored in memory.

(c) comparing the authorization grant message (comprising the identifier) with an identifier of a scheduled event (col. 8, lines 23-26; col. 8, lines 41-47 describing the scheduled (premier) event time

and date; see col. 8, line 66 - col. 9, line 5 describing comparison of content **28** associated with identifier **24** to authorization list **56**),

wherein an identifier of a scheduled event is a time; and

- (d) beginning playback of the event on each of the client apparatuses if the comparison renders a match (col. 9, lines 18-21; see col. 2, lines 54-58, disclosing playback on or after premier event time), further, Peterson teaches ascertaining the identifiers, which refers to content stored, and thus equates to ascertaining that the client apparatus has the predefined content ed stored and that the comparison (as taught in step (c)) renders a match.

Although Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to specifically disclose beginning playback of the event simultaneously.

However, Faris, in an analogous art, teaches simultaneously beginning the playback of an event, where an event may comprise stored audio-video content and the execution of programs, on a plurality of client devices in response to trigger data transmitted to the client devices from a server (paragraph 137, describing purpose of GSU unit **175** in conjunction with client device **160** (see Figs. 1 and **2C**) to perform actions in response to precise time conditions; paragraph 138, describing triggers to synchronize execution of audio-video content and programming content on client devices, where triggers to execute content on a client device inherently discloses a comparison of an

identifier; see paragraph 142, suggesting application to any task where precise triggering of timed events is required) for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson to incorporate beginning the playback of the event simultaneously, as taught by Faris, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to identify the client apparatuses and specifically disclose beginning playback of the event by forwarding objects specific for each of the client apparatuses.

In analogous art, Kinney teaches transmitting playback events over a communication channel (see figure 1, col. 5, ll. 36-64), wherein the communication channel supports TCP/IP (col. 3, ll. 34-36), which inherently requires addresses for devices. As a result, Kinney teaches beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses, in that Kinney sends events through an addressable communication channel for devices, wherein each of the devices is identified by an address on the network, which equates to identifying the client apparatuses.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson by

identifying the client apparatuses and beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses as taught by Kinney, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Peterson teaches storing the event beforehand, and ascertaining the identifier of the event stored in memory, wherein Peterson teaches an event such as content on a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an event identifier of Peterson teaches ascertaining whether the client apparatuses have the event stored in memory.

Claims 2 and 7 are encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the event including a video and audio presentation (col. 2, lines 46-50).

Claims 3 and 8 are encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the event including a movie (col. 2, lines 46-50).

Claims 4 and 9 are encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses a wide area network (PTSN 18, col. 8, lines 12-17).

Claims 5 and 10 are encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the memory including a digital video disk (col. 5, lines 24-27).

Regarding Claim 17, Peterson and Kinney are discussed in claim 1; Kinney teaches receiving a request of playback by a late arrival client to participate in the simultaneous playback and synchronizing the client to the simultaneous playback (col. 6, ll. 10-19).

4. **Claims 11-16, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,825,876 to Peterson, Jr. (Peterson) in view of U.S. Patent Application Publication 2002/0026321 to Faris et al. (Faris), U.S. Patent 5,808,662 to Kinney et al. (Kinney), and U.S. Patent 6,282,713 to Kitsukawa et al. (Kitsukawa)

Regarding claim 11, Peterson discloses a method, corresponding computer program and corresponding system for identifying a plurality of events which are played back on a plurality of networked client apparatuses (col. 2, lines 26-41), comprising

- (a) providing a plurality of events stored in memory (medium 10) on a plurality of client apparatuses (controller 14; see col. 2, lines 46-54 disclosing system methodology including multiple consumers,

comprising multiple events and client apparatuses), an authorization granted message that includes a unique identifier (24) of the secured content which is stored, along with the start time (col. 8, ll. 32-39) the events each having a unique identifier associated therewith and stored in memory (identifier **24**; see col. 5, lines 30-35), wherein the client apparatuses are adapted to be coupled to a host computer (authorization center **16**) via a network (PTSN **18**; see col. 8, lines 13-16);

- (b) ascertaining the identifier of the event stored in memory of the client apparatuses utilizing the network (col. 8, lines 18-27, col. 8, ll. 32-39, disclosing transmission of identifier **24** to server **60** and return of authorization granted message comprising identifier **24** of secured content **28**); further, Peterson teaches ascertaining whether the client apparatuses have the event stored in memory in that Peterson teaches ascertaining the identifier of the event stored in memory, wherein Peterson teaches an event such as content on a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an event identifier of Peterson teaches ascertaining whether the client apparatuses have the event stored in memory.
- (c) comparing the authorization grant message (comprising the identifier) with an identifier of a scheduled event (col. 8, lines 23-26; col. 8, lines 41-47 describing the scheduled (premier) event time

and date; see col. 8, line 66 - col. 9, line 5 describing comparison of content **28** associated with identifier **24** to authorization list **56**),

wherein an identifier of a scheduled event is a time; and

- (d) beginning playback of the event on each of the client apparatuses if the comparison renders a match (col. 9, lines 18-21; see col. 2, lines 54-58, disclosing playback on or after premier event time), further, Peterson teaches ascertaining the identifiers, which refers to content stored, and thus equates to ascertaining that the client apparatus has the predefined content ed stored and that the comparison (as taught in step (c)) renders a match.

Although Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to specifically disclose beginning playback of the event simultaneously.

However, Faris, in an analogous art, teaches simultaneously beginning the playback of an event, where an event may comprise stored audio-video content and the execution of programs, on a plurality of client devices in response to trigger data transmitted to the client devices from a server (paragraph 137, describing purpose of GSU unit **175** in conjunction with client device **160** (see Figs. 1 and **2C**) to perform actions in response to precise time conditions; paragraph 138, describing triggers to synchronize execution of audio-video content and programming content on client devices, where triggers to execute content on a client device inherently discloses a comparison of an

identifier; see paragraph 142, suggesting application to any task where precise triggering of timed events is required) for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson to incorporate beginning the playback of the event simultaneously, as taught by Faris, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to specifically disclose beginning playback of the event simultaneously.

In analogous art, Kinney teaches transmitting playback events over a communication channel (see figure 1, col. 5, ll. 36-64), thereby resulting in simultaneous playback of the event.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson by beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses as taught by Kinney, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Peterson is silent on adding additional overlay content with the event, recording historic data associated with the simultaneous playback and additional

content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event.

In analogous art, Kinney teaches adding additional overlay content with the event (col. 6, ll. 20-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson by adding additional overlay content with the event as taught by Kinney in order to provide additional information to the group of viewers.

However, Peterson and Kinney are silent on recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event.

In analogous art, Kitsukawa teaches displaying advertising marks on the display (col. 8-9, ll. 58-32), wherein the marks equate to adding additional overlay content with the event. Further, Kitsukawa teaches displaying these marks and storing the advertising for a later time with respect to a particular portion of the event (recording historic data associated with the simultaneous playback and additional content) in order to display the marks at the appropriate portions (col. 6, ll. 54-60, col. 9, ll. 64-67). Further, Kitsukawa teaches allowing the playback by supplying just the historic data and additional overlay content for later

playback of the simultaneous event (col. 9, ll. 64-67), wherein the historic data and additional overlay content is to be cooperated with the stored event (col. 8-9, ll. 58-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson and Kinney by recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event as taught by Kitsukawa in order to enable the user to access stored information at a later time, thereby enabling the user to access additional information at the convenience of the user.

Peterson teaches storing the event beforehand, and ascertaining the identifier of the event stored in memory, wherein Peterson teaches an event such as content on a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an event identifier and the ability to playback the events of Peterson teaches a ascertaining whether the client apparatuses have the event stored in memory.

Claim 12 is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the event including a video and audio presentation (col. 2, lines 46-50).

Claim 13 is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the event including a movie (col. 2, lines 46-50).

Claim 14 is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses a wide area network (PTSN 18, col. 8, lines 12-17).

Claim 15 is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the memory including a digital video disk (col. 5, lines 24-27).

Regarding **claim 16**, Peterson is silent on adding additional overlay content with the event, recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event.

In analogous art, Kinney teaches adding additional overlay content with the event (col. 6, II. 20-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson by adding additional overlay

content with the event as taught by Kinney in order to provide additional information to the group of viewers.

However, Peterson and Kinney are silent on recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event.

In analogous art, Kitsukawa teaches displaying advertising marks on the display (col. 8-9, II. 58-32), wherein the marks equate to adding additional overlay content with the event. Further, Kitsukawa teaches displaying these marks and storing the advertising for a later time with respect to a particular portion of the event (recording historic data associated with the simultaneous playback and additional content) in order to display the marks at the appropriate portions (col. 6, II. 54-60, col. 9, II. 64-67). Further, Kitsukawa teaches allowing the playback by supplying just the historic data and additional overlay content for later playback of the simultaneous event (col. 9, II. 64-67), wherein the historic data and additional overlay content is to be cooperated with the stored event (col. 8-9, II. 58-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson and Kinney by recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional

overlay content to be cooperated with locally stored event content for later playback of the simultaneous event as taught by Kitsukawa in order to enable the user to access stored information at a later time, thereby enabling the user to access additional information at the convenience of the user.

Regarding **claim 18**, Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to identify the client apparatuses and specifically disclose beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses.

In analogous art, Kinney teaches transmitting playback events over a communication channel (see figure 1, col. 5, ll. 36-64), wherein the communication channel supports TCP/IP (col. 3, ll. 34-36), which inherently requires addresses for devices. As a result, Kinney teaches beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses, in that Kinney sends events through an addressable communication channel for devices, wherein each of the devices is identified by an address on the network, which equates to identifying the client apparatuses.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson by identifying the client apparatuses and beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses as taught by Kinney, for the benefit of providing synchronized presentation of

content for each of the plurality of network connected devices in a method for playing back events.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



Andrew Y. KOENIG
AU 2623